

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08cv230**

FIRST UNION RAIL CORPORATION,

Plaintiff,

Vs.

**SPRINGFIELD TERMINAL RAILWAY
COMPANY; MAINE CENTRAL RAILROAD
COMPANY; BOSTON AND MAINE
CORPORATION; and PAN AM RAILWAYS,
INC.,**

Defendants.

CONSENT FINAL JUDGMENT

THIS MATTER is before the court on the joint Motion for Entry of Consent Judgment. The parties having advised the Court that all Defendants have consented to entry of judgment against them, jointly and severally, in the amount of \$175,000.000 as set forth herein on the remaining claim in Plaintiff's Complaint; that Defendants have agreed to satisfy this judgment by making one payment of \$100,000.00 to Plaintiff on or before Thursday, November 5, 2009 and a second payment of \$75,000.00 on or before Friday, December 4, 2009; that the judgment entered below does not include, and is without prejudice, to (a) Plaintiff's rights and Defendants' obligations under the Consent Order and Judgment entered by this Court in this action on August 11, 2009 (Doc. 45) and (b) Plaintiff's rights to recover such other amounts as Plaintiff may be owed by the Defendants (including, but not limited

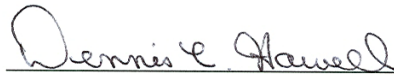
to, car hire and/or damage to rail cars) that accrued after July 2009; and the Defendants having admitted and the court having found that the court has jurisdiction over the subject matter hereof and over the Defendants;

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED:

1. **JUDGMENT** in favor of Plaintiff is hereby **ENTERED** against all Defendants, jointly and severally, in the principal amount of **\$175,000.00**;
2. In the event Defendants fail to deliver payment of \$100,000.00 to Plaintiff on or before Thursday, November 5, 2009, Plaintiff shall have the immediate right, without further notice to Defendants, to enforce and execute upon the full \$175,000.00 amount of this judgment with post-judgment interest from November 5, 2009 at the rate allowed by federal law until this judgment is fully satisfied. In the event Defendants fail to deliver payment of the full \$175,000.00 amount of this judgment on or before Friday, December 4, 2009, Plaintiff shall have the immediate right, without further notice to Defendants, to enforce and execute upon the full \$175,000.00 amount of this judgment with post-judgment interest from November 5, 2009 at the rate allowed by federal law until this judgment is fully satisfied; and
3. This Judgment does not include and is without prejudice to (a) Plaintiff's rights and Defendants' obligations under the Consent Order and Judgment entered by this court in this action on August 11, 2009

(Doc. 45) and (b) Plaintiff's rights to recover such other amounts as Plaintiff may be owed by the Defendants (including car hire and/or damage to rail cars) that accrued after July 2009.

Signed: November 9, 2009



Dennis L. Howell
United States Magistrate Judge

